

REMARKS/ARGUMENTS**Claims**35 U.S.C. § 112, First Paragraph Rejection of Claims 1 – 6

The Office Action rejected Claims 1 - 6 under 35 U.S.C. § 112, First Paragraph as being non-enabled by the Specification. The Office Action states “the specification, while being enabled for some conditions of obesity, does not reasonably provide enablement for other conditions of obesity and disease states thereof.”

The applicants have amended Independent claims 1 and 5 to remove the feature “prevent” or “prevention”. The specification is enabling for treating or alleviation of obesity and adipogenesis-involved diseases.

Experimental Examples 1 and 2 (pages 17 – 19) describe experiments showing the effect of the claimed compound on the adipocytes and PPAR α activation. Example 1 shows that the claimed compound significantly reduces [dose dependent] the level of produced triglycerides and the adipocytes differentiation (page 18, lines 6 – 8). Additionally, Example 2 shows that the claimed compound regulated lipid metabolism through PPAR α activation (page 19, lines 4 – 5).

The effect of the claimed compound is to treat obesity and, consequentially, also lessens diseases that are exacerbated by obesity. Some of the diseases exacerbated by obesity are diabetes, steatosis, coronary heart disease, hypertension, dyslipidaemia, hyperlipemia, cardiovascular disease, and atherosclerosis.

Accordingly, in light of the foregoing arguments and amendments to the claims, favorable reconsideration and withdrawal of the rejection of Claims 1 – 6 under the first paragraph of 35 U.S.C. §112 are respectfully requested.

In the event that the Office maintains this enablement rejection, Applicant respectfully requests, in accordance with the principles of compact prosecution, that the Office articulate, on the record and with specificity sufficient to support a *prima facie* case of non-enablement, the factual basis on which it is alleged that the “specification ... does not reasonably provide enablement for other conditions of obesity and disease states thereof” and that it would be beyond the level of ordinary skill to use the claimed invention without undue experimentation (MPEP §2164.01).

Conclusion

Claims 1 – 6 are Pending. Claims 1 and 5 are Currently amended. Claims 2 - 4 have been Previously presented. Claim 6 is Original.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested and it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No fees are believed due; however, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to credit card information.

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